

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	8:04CR294
Plaintiff,	)	
	)	
v.	)	USM No: 13884-047
	)	
FRANK T. WAGNER	)	<u>JEFFREY L. THOMAS</u>
Defendant.	)	Defendant's Attorney
Date of previous judgment: 10/3/2006	)	

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 176 months is reduced to 141 months.

**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: <u>33</u>	Amended Offense Level: <u>31</u>
Criminal History Category: <u>VI</u>	Criminal History Category: <u>VI</u>
Previous Guideline Range: <u>235</u> to <u>293</u> months	Amended Guideline Range: <u>188</u> to <u>235</u> months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

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The reduced sentence is within the amended guideline range.

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The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

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Other (explain):

**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated October 3, 2006 shall remain in effect.

**IT IS SO ORDERED.**

Dated this 31<sup>st</sup> day of March, 2008

Effective Date: Monday, April 14, 2008

s/ Laurie Smith Camp  
United States District Judge